

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on March 23, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Ellie Hill Smith (D)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Bill Harris (R)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HJ 15, 3/14/2017; SB 305, 3/14/2017; HB 609, 3/14/2017; HB 477, 3/14/2017

HEARING ON SJ 15**Opening Statement by Sponsor:**

00:02:02 Sen. David Howard (R), SD 29, opened the hearing on SJ 15, Resolution opposing a proposed Montana Supreme Court rule.

[**EXHIBIT\(juh60a01\)**](#)

Proponents' Testimony:

00:08:19 James Rigby, Self

00:23:24 Jeff Laszloffy, Montana Family Foundation (MFF)

00:25:04 Dallas Erickson, Montanans for Citizens for Decency through Law (MCDL)

00:26:02 Cynthia Marble, Self

00:26:54 Edwin Halland, Self

[**EXHIBIT\(juh60a02\)**](#)

00:28:05 Chuck Paske, Self

00:28:20 Brad Harlow, Self

00:29:15 Marc Cramer, Self

00:30:06 Dennis Young, Self

00:30:17 Steve Bostrom, Self

[**EXHIBIT\(juh60a03\)**](#)

00:30:38 Dick Pence, Self

[**EXHIBIT\(juh60a04\)**](#)

00:30:51 Judy Tenkink, Self

00:31:01 Rudolf Tenkink, Self

Opponents' Testimony:

00:31:18 SK Rossi, American Civil Liberties Union (ACLU)

00:36:34 Judith Heilman, Montana Race Equity Project (MTREP)

[**EXHIBIT\(juh60a05\)**](#)

00:38:31 Beth Brenneman, Disability Rights Montana (DRM)

00:40:14 Abigail St. Lawrence, Montana Association of Christians (MAC)

00:42:36 Kim Leighton, Pride Foundation

00:43:29 Kelson Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

00:43:55 Jules Shindel, Montana Women Vote (MWV); Montana Human Rights Network (MHRN)

[**EXHIBIT\(juh60a06\)**](#)

Informational Testimony: None

Questions from Committee Members and Responses:

00:45:22 Rep. Hill Smith

00:47:34 Sen. Howard

00:48:37 Rep. Usher

00:48:48 Rep. Hill Smith

00:48:53 Sen. Howard

00:49:20 Rep. Morigeau
 00:50:52 SK Rossi, ACLU
 00:52:33 Rep. Berglee
 00:53:24 Beth Brenneman, DRM
 00:55:17 Rep. McConnell
 00:55:30 SK Rossi, ACLU

Closing by Sponsor:

00:56:31 Sen. Howard

[EXHIBIT\(juh60a07\)](#)

[EXHIBIT\(juh60a08\)](#)

Committee Business:

01:01:12 Rep. Harris

01:01:47 Chair Doane

HEARING ON SB 305

Opening Statement by Sponsor:

01:02:14 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 305, Specifying how election to fill U.S. representative vacancy will be conducted.

[EXHIBIT\(juh60a09\)](#)

Proponents' Testimony:

01:09:14 Commissioner Susan Good Geise, Lewis & Clark County

[EXHIBIT\(juh60a10\)](#)

[EXHIBIT\(juh60a11\)](#)

01:13:41 Sen. Temple

01:14:38 John Ilgenfritz, Self

01:17:09 Todd Devlin, Montana Association of Counties (MACo)

[EXHIBIT\(juh60a12\)](#)

01:18:45 Commissioner Frank DePriest, Blaine County

01:19:52 Commissioner Dolores Plumage, Blaine County

[EXHIBIT\(juh60a13\)](#)

01:21:17 Quenby Iandiorio, Self

[EXHIBIT\(juh60a14\)](#)

01:22:01 Sandra Boardman, Blaine County Clerk and Recorder

[EXHIBIT\(juh60a15\)](#)

01:23:16 Commissioner Gary MacDonald, Rosebud County

01:24:16 Commissioner Susie Mosness, Sweetgrass County

01:25:05 Rep. Manzella left the meeting

01:25:11 Commissioner Jerry Collins, Garfield County

01:25:30 Melissa Cronin, Self

[EXHIBIT\(juh60a16\)](#)

01:26:24 Matt Powell-Palm, Self
01:28:04 Commissioner Don Seifert, Gallatin County
01:29:05 Mike Bunker, Park County

[EXHIBIT\(juh60a17\)](#)

01:29:35 Sue Orr, Self

01:31:06 **Motion:** Rep. Hill Smith moved to **EXTEND THE TIME FOR PROPONENTS' TO GIVE TESTIMONY ON HB 305**. Chair Doane ruled motion out of order.

01:34:40 **Vote:** **TO UPHOLD THE RULING OF THE CHAIR** carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck, Rep. Manzella and Rep. Sheldon-Galloway voted by proxy.

01:36:22 Rep. Wagoner
01:37:02 Rep. Court
01:37:28 Rep. Usher
01:38:14 Lee Grindinger, Park County Election Official
01:38:47 Chair Doane
01:40:44 Rep. Morigeau
01:41:14 Rep. Sheldon-Galloway joined the meeting.
01:41:25 Helen Thigpen, Legislative Services Division (LSD)
01:41:45 Rep. Morigeau
01:42:13 Helen Thigpen, LSD
01:42:18 Rep. McConnell
01:42:31 Chair Doane
01:42:40 Rep. Court
01:43:02 Chair Doane
01:43:08 Rep. McConnell
01:43:52 Chair Doane
01:44:03 Carole Mackin, Self

[EXHIBIT\(juh60a18\)](#)

01:46:55 Chair Doane ordered the Sergeant at Arms to clear the room.

01:47:33 Recess
01:51:03 Reconvene

Committee Business:

01:51:16 Chair Doane

Proponents Testimony Cont:

01:55:19 Geoff Badenoch, Missoula County Elections

[EXHIBIT\(juh60a19\)](#)

01:55:53 Commissioner Maureen Wicks, Liberty County

[EXHIBIT\(juh60a20\)](#)

01:56:18 Bridget Johnson, Self

01:56:28 Mark Mackin, Self

[EXHIBIT\(juh60a21\)](#)

01:56:49 Commissioner Tracy Houck, Great Falls

01:56:59 Commissioner Mike McGinley, Beaverhead County

01:57:16 Commissioner Gordon Oelkers, Roosevelt County

01:57:31 Rina Moore, Cascade County Clerk

01:57:55 Commissioner Jane Weber, Cascade County

[EXHIBIT\(juh60a22\)](#)

01:58:12 Commissioner Mike Wendland, Hill County

[EXHIBIT\(juh60a23\)](#)

01:58:27 Commissioner Ralph Mannix, Powell County

01:58:46 Jason Rittal, Fallon County Clerk and Recorder

01:59:01 Commissioner Shane Gorder, Richland County

01:59:15 Angel Colbry, Liberty County Clerk and Recorder

01:59:33 Commissioner Mike DesRosier, Glacier County

01:59:58 Commissioner Larry Hendrickson, Liberty County

02:00:16 Davin Buffington, Liberty County Deputy Clerk and Recorder

[EXHIBIT\(juh60a24\)](#)

02:00:26 Dallas Erickson, Self

02:00:55 Ruth Grindinger, Self

02:01:16 Maritza Reddington, Park County Clerk and Recorder

[EXHIBIT\(juh60a25\)](#)

02:01:38 Commissioner Jim Moore, Judith Basin County

02:01:55 Commissioner Don Hajenga, Judith Basin County

02:02:06 Terry Browning, Self

02:02:19 Eric Sterns, Office of the Governor (GOV)

02:02:45 Commissioner Mary Ann Harwood, Toole County

02:03:09 Glenda Hall, Self

[EXHIBIT\(juh60a26\)](#)

02:03:32 Amanda Kelly, Judith County Clerk and Recorder

[EXHIBIT\(juh60a27\)](#)

02:03:47 Debbie Pierson, Flathead County Clerk and Recorder

[EXHIBIT\(juh60a28\)](#)

[EXHIBIT\(juh60a29\)](#)

02:04:03 Laura Bundy, Self

[EXHIBIT\(juh60a30\)](#)

02:04:20 Commissioner Jim Hart, Madison County

02:04:50 Karen Wickersham, Self

[EXHIBIT\(juh60a31\)](#)

02:05:08 Judith Heilman, Montana Racial Equity Project (MREP)

02:05:32 Ian Powell-Palm, Self
02:05:59 Sam Orr, Self
02:06:16 Michelene Hostetter, Self
02:06:34 Lorraine Brewer, Self

[EXHIBIT\(juh60a32\)](#)

02:06:57 Lauren Caldwell, MEA-MFT
02:08:13 Danielle Breck, Self

[EXHIBIT\(juh60a33\)](#)

02:08:43 Alyson Roberts, Self

[EXHIBIT\(juh60a34\)](#)

Opponents' Testimony:

02:09:09 Secretary Corey Stapleton, Montana Secretary of State (SOS)
02:17:37 Commissioner George Real Bird III, Big Horn County
02:20:19 Dee Kirk-Boon, Self

[EXHIBIT\(juh60a35\)](#)

02:20:42 Cynthia Marble, Self
02:22:30 Ed Halland, Self
02:24:27 Rudolf Tankink, Self
02:24:58 Judy Tankink, Self

[EXHIBIT\(juh60a36\)](#)

[EXHIBIT\(juh60a37\)](#)

[EXHIBIT\(juh60a38\)](#)

02:27:04 Patrick McCain, Self
02:28:01 Rep. Stewart-Peregoy
02:31:12 Rep. Hopkins
02:33:13 Heidi Roedel, Montana Federation of Republican Women (MTFRW)
02:33:50 Beth Brenneman, Disability Rights Montana
02:34:24 Sydney Fitzpatrick Big Horn County Commissioner
02:34:39 Veronica Small Eastman, Self

Informational Testimony:

02:35:14 Regina Plettenberg, Ravalli County Clerk and Recorder

[EXHIBIT\(juh60a39\)](#)

[EXHIBIT\(juh60a40\)](#)

Questions from Committee Members and Responses:

02:35:53 Rep Morigeau
02:37:27 Eric Sterns, GOV
02:39:19 Rep. B. Brown
02:39:52 Secretary Corey Stapleton, SOS
02:42:24 Rep. Bishop
02:43:17 Maritza Reddington, Park County Clerk and Recorder
02:44:08 Rep. Wagoner
02:44:36 Derek Oestreicher, Secretary of State (SOS)
02:45:59 Rep. Wagoner

02:46:45 Rep. Stewart-Peregoy
02:46:57 Rep. Court
02:47:20 Sen. Fitzpatrick
02:48:17 Rep. Court
02:48:46 Secretary Corey Stapleton, SOS
02:49:16 Regina Plettenberg, Ravalli County Election Administrator
02:52:02 Chair Doane
02:52:11 Rep. Perry
02:52:31 Secretary Corey Stapleton, SOS
02:52:41 Rep. Usher
02:53:31 Secretary Corey Stapleton, SOS
02:54:45 Rep. Hill Smith
02:56:34 Chair Doane
02:56:41 Rep. McConnell
02:56:53 Chair Doane
02:57:00 Rep. Hill Smith
02:57:54 Rep. Berglee
02:58:08 Chair Doane
02:58:26 Rep. Hill Smith
02:58:46 Rep. Berglee
02:59:13 Eric Sterns, GOV

Closing by Sponsor:

02:59:57 Sen. Fitzpatrick

[EXHIBIT\(juh60a41\)](#)

Committee Business:

03:02:55 Rep. Morigeau

03:03:42 **Motion:** Rep. Hill Smith moved to **REOPEN THE HEARING ON SB 305**. Chair Doane ruled motion out of order.

03:04:26 Rep. Court
03:05:12 Rep. Usher
03:05:51 Rep. Morigeau
03:06:13 Rep. Harris
03:07:03 Chair Doane
03:08:06 Rep. McConnell
03:08:26 Chair Doane
03:08:37 Rep. McConnell
03:08:46 Chair Doane
03:09:02 Rep. Hill Smith
03:09:23 Rep. Wagoner

03:09:32 **Vote:** **TO UPHOLD THE RULING OF THE CHAIR** carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck voted by proxy.

HEARING ON HB 609

Opening Statement by Sponsor:

03:14:03 Rep. Carl Glimm (R), HD 6, opened the hearing on HB 609, Generally revise privacy laws concerning protected facilities.

[EXHIBIT\(juh60a42\)](#)

[EXHIBIT\(juh60a43\)](#)

Proponents' Testimony:

03:17:06 Jeff Laszloffy, Montana Family Foundation (MFF)

03:19:53 Autumn Leva, Family Policy Alliance

[EXHIBIT\(juh60a44\)](#)

03:24:10 Kyndall Hinkle, Self

03:25:36 Kaari Hultgren, Self

03:26:37 Hannah Feger, Self

03:28:13 Kristin Hultgren, Self

03:29:36 Dallas Erickson, Montana Citizens for Decency Through Law (MCDL)

[EXHIBIT\(juh60a45\)](#)

[EXHIBIT\(juh60a46\)](#)

03:33:46 Patrick McCain, Self

03:35:09 Mike McGovern, Self

03:36:04 Bailey Thames, Self

03:37:07 Johnali Johns, Self

03:38:25 Alaska Duguid, Self

03:39:17 Ed Halland, Self

03:39:48 Cynthia Marble, Self

03:40:10 Dick Pence, Montana Family Foundation (MFF), Montana Pastors Network

[EXHIBIT\(juh60a47\)](#)

03:40:26 Nancy Pence, Self

Opponents' Testimony

03:40:47 SK Rossi, American Civil Liberties Union (ACLU)

03:48:27 Kael Fry, Self

03:50:40 Cate Ludin, Self

[EXHIBIT\(juh60a48\)](#)

03:52:57 Kyndra Nevin, Self

03:55:08 Sean Reagor, Self

[EXHIBIT\(juh60a49\)](#)

[EXHIBIT\(juh60a50\)](#)

[EXHIBIT\(juh60a51\)](#)

03:57:59 Kim Leighton, Pride Foundation

[EXHIBIT\(juh60a52\)](#)

04:00:13 Ken Fichtler, Governors Office of Economic Development (GOED)

[EXHIBIT\(juh60a53\)](#)

[EXHIBIT\(juh60a54\)](#)

[EXHIBIT\(juh60a55\)](#)

04:03:01 Ben Refling, Self

[EXHIBIT\(juh60a56\)](#)

04:03:34 John MacDonald, Self

[EXHIBIT\(juh60a57\)](#)

04:04:06 Kelly Lynch, Montana League of Cities and Towns (MLCT)

04:04:31 Tracy Houck, Commissioner of the City of Great Falls

[EXHIBIT\(juh60a58\)](#)

04:05:41 Natalie Jaeger, Self

04:05:52 Gregory Smith, Montana Interfaith Network

[EXHIBIT\(juh60a59\)](#)

04:06:38 Greg Dorrington, City of Bozeman

04:06:57 Commissioner Jane Weber, Cascade County

04:07:11 Judith Heilman, Montana Racial Equality Project (MREP)

04:07:42 Jessie Jaeger, Empower Montana

04:08:07 Rep. Curtis

04:08:32 Dillon Ecord, Associated Students of Montana State University (ASMSU)

[EXHIBIT\(juh60a60\)](#)

04:08:56 Katy Westhoff, Montana Public Interest Research Group (MontPIRG)

04:09:13 Morgan Smith, MEA-MFT

[EXHIBIT\(juh60a61\)](#)

04:09:25 Quenby landiorio, Self

[EXHIBIT\(juh60a62\)](#)

04:10:02 Rachael Huff-Doria, Forward Montana Foundation

04:10:24 Andy Bixler, Montana Associated Students (MAS)

04:10:43 Abigail Belcher, Associated Students of the University of Montana (ASUM)

04:10:57 Antonio Morsette, Montana Green Party, Chippewa Creek Foundation

04:11:17 Sofia Kohrman, Montana Green Party

04:11:34 Thomas Breck, Montana Green Party

04:11:51 Danielle Breck, Self

04:12:12 Bridget Johnson, Self

04:12:27 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
(MCADSV)

04:12:56 Jules Shindel, Montana Human Rights Network (MHRN); Montana Women Vote
(MWV)

[EXHIBIT\(juh60a63\)](#)

[EXHIBIT\(juh60a64\)](#)

[EXHIBIT\(juh60a65\)](#)

04:13:37 Laura Bundy, Self

[EXHIBIT\(juh60a66\)](#)

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

04:14:12 Rep. Glimm

Committee Business:

04:15:48 Rep. Court

04:15:53 Chair Doane

HEARING ON HB 477

Opening Statement by Sponsor:

04:15:24 Rep. Ellie Hill Smith (D), HD 90, opened the hearing on HB 477, Revise laws related to adolescent treatment facilities.

[EXHIBIT\(juh60a67\)](#)

Proponents' Testimony:

04:21:44 Cindy Reichenbach, Department of Labor and Industry (DLI)

04:26:12 Mary Dalton, Department of Health and Human Services (DPHHS)

Opponents' Testimony:

04:27:54 Robert Larsson, Pine Haven Christian Children's Ranch

04:35:09 Chelsie Schnetter, Pine Haven Christian Children's Ranch

04:36:26 Cheyanne Corrigan, Pine Haven Christian Children's Ranch

04:37:29 Ed Halland, Self

04:38:10 Rep. Morigeau left the meeting.

04:38:58 Dan Larsson, Pine Haven Christian Children's Ranch

04:39:11 Dallas Erickson, Self

04:39:23 Jeff Laszloffy, Montana Family Foundation (MFF)

04:40:05 J.C. Croan, Pine Haven Christian Children's Ranch

04:40:16 Charles Willet, Pine Haven Christian Children's Ranch

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

04:40:39 Rep. Hill-Smith

ADJOURNMENT

Adjournment:

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh60aad.pdf](#))